STATUTORY INSTRUMENTS

1965 No. 1529

OVERSEAS TERRITORIES

The Admiralty Jurisdiction (Turks and Caicos Islands) Order 1965

Made - - - - 3*rd August* 1965
Coming into Operation 4*th August* 1965

At the Court at Buckingham Palace, the 3rd day of August 1965

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the power vested in Her by section 56 of the Administration of Justice Act 1956(a) and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and commencement.

1.—(1) This Order may be cited as the Admiralty Jurisdiction (Turks and Caicos Islands) Order 1965.

(2) This Order shall come into operation on 4th August 1965.

Admiralty jurisdiction of Supreme Court of the Turks and Caicos Islands.

2. The Colonial Courts of Admiralty Act 1890(b) shall, in relation to the Supreme Court of the Turks and Caicos Islands, have effect as if for the reference in subsection (2) of section 2 thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 1 of the Administration of Justice Act 1956 subject to the adaptations and modifications of the said section 1 that are specified in the First Schedule to this Order.

Application of provisions of Administration of Justice Act 1956 to the Turks and Caicos Islands.

3. The provisions of sections 3, 4, 6, 7 and 8 of Part I of the Administration of Justice Act 1956 shall extend to the Turks and Caicos Islands with the adaptations and modifications that are specified in Column II of the Second Schedule to this Order.

W. G. Agnew.

Article 2.

FIRST SCHEDULE

ADAPTATIONS AND MODIFICATIONS OF SECTION 1 OF THE ADMINISTRATION OF JUSTICE ACT 1956

In subsection (1) the words "and any other jurisdiction connected with ships and aircraft vested in the High Court apart from this section which is for the time being assigned by rules of court to the Probate, Divorce and Admiralty Division" shall be deleted;

In subsection (3) the words and figures "under sections five hundred and forty-four to five hundred and forty-six of the Merchant Shipping Act 1894(c)" shall be deleted and the words "under section twenty-six of the Wreck and Salvage Ordinance of the Turks and Caicos Islands(d)" shall be substituted;

(a) 4 & 5 Eliz. 2. c. 46. (b) 53 & 54 Vict. c. 27.
(c) 57 & 58 Vict. c. 60. (d) Laws of the Turks and Caicos Islands, Rev. 1951, Ch. 100.

In subsection (4) after the words and figures "Merchant Shipping Acts 1894 to 1954" there shall be inserted the words "or of the Wreck and Salvage Ordinance of the Turks and Caicos Islands".

Article 3.

SECOND SCHEDULE

PROVISIONS OF PART I OF THE ADMINISTRATION OF JUSTICE ACT 1956 EXTENDED TO THE TURKS AND CAICOS ISLANDS AND ADAPTATIONS AND MODIFICATIONS THERETO

Column I	*Column II*
Section 3	In subsections (1), (3), (5), (6) and (7), for the reference to the High Court, the Liverpool Court of Passage, and any county court there shall be substituted a reference to the Supreme Court of the Turks and Caicos Islands; In subsection (2) the words "the High Court" shall be deleted and the words "the Supreme Court of the Turks and Caicos Islands" shall be substituted; In subsection (4) the words "High Court and (where there is such jurisdiction) the Admiralty jurisdiction of the Liverpool Court of Passage or any county court" shall be deleted and the words "Supreme Court of the Turks and Caicos Islands" shall be substituted; In subsection (8) the words "England and Wales" shall be deleted and the words "the Turks and Caicos Islands" shall be substituted.
Section 4	Subsection (1) shall be deleted and the following subsection shall be substituted:— "(1) No court in the Turks and Caicos Islands shall entertain an action in personam to enforce a claim to which this section applies unless— (*a*) the defendant has his habitual residence or a place of business in the Turks and Caicos Islands; or

Column I.	*Column II*
	(*b*) the cause of action arose within the territorial waters of the Turks and Caicos Islands; or (*c*) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court. In this subsection "territorial waters of the Turks and Caicos Islands" include any port, dock or harbour in the Turks and Caicos Islands;
	In subsection (2) the words "in England and Wales" shall be deleted and the words "in the Turks and Caicos Islands" shall be substituted, and the words "outside England and Wales" shall be deleted and the words "outside the Turks and Caicos Islands" shall be substituted;
	In subsection (5) the words "the High Court" shall be deleted and the words "the Supreme Court of the Turks and Caicos Islands" shall be substituted;
	Subsection (6) shall be omitted.
Section 6	The words "England and Wales" shall be deleted and the words "the Turks and Caicos Islands" shall be substituted.
Section 7	Subsection (1) shall be deleted and the following subsection shall be substituted:— "(1) Section six hundred and eighty-eight of the Merchant Shipping Act 1894 (which relates to the detention of ships by customs officers in certain cases) shall cease to have effect, but nothing in this Part of the Act affects the provisions of section thirty-three of the Wreck and Salvage Ordinance of the Turks and Caicos Islands (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim)."; Subsection (2) shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides that the Supreme Court of the Turks and Caicos Islands, which is a Colonial Court of Admiralty, shall have the Admiralty jurisdiction of the High Court of England, as defined in section 1 of the Administration of Justice Act 1956, with certain modifications. It also extends certain of the provisions contained in Part I of that Act to the Turks and Caicos Islands.